

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WERNER KNEBEL and RAFAEL STORZ

Application No. 10/713,887



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 5, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

BACKGROUND

An in depth review of the file also reveals that on August 1, 2005, Appellants filed an Amendment. On page 2 of the Amendment under Amendments to the Claims requested to amend claim 1, cancel claims 6 and 7 without prejudice and to add new claims 12 through 20. The Examiner responded to the Amendment in his Final Rejection mailed September 19, 2005, amending claim 1, canceling claims 6 and 7 and adding claims 12 through 20.

SUPPLEMENTAL EXAMINER'S ANSWER

GROUND OF REJECTION

On October 19, 2006, a Supplemental Examiner's Answer was mailed. The section entitled Grounds of Rejection (pg. 4) include a rejection to claims 6 and 7 under 35 USC 102(b) as being anticipated by Hakamata. It is noted that claims 6 and 7 were previously cancelled in an Amendment received August 1, 2005. Clarification is required as to claims 6 and 7.

APPROVAL BY TECHNOLOGY CENTER DIRECTOR

The Supplemental Examiner's Answer is also deficient, because it was not signed by the Technology Center Group Director or his designee. Section 1207.05 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3,

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August 2005) states that “[e]very supplemental examiner’s answer must be approved by a Technology Center (TC) Director or designee.” Correction is required.


CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) to vacate the Supplemental Examiner’s Answer dated October 19, 2006, for clarification of the status of claims 6 and 7;
- 2) for obtaining a Technology Center (TC) Director or designee’s signature on the Supplemental Examiner’s Answer;
- 3) for such further action as may be appropriate.

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